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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,381	01/19/2001	Satoshi Kondo	2001-0040A	7667
513	7590	06/16/2004	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			AZARIAN, SEYED H	
		ART UNIT	PAPER NUMBER	
		2625	9	
DATE MAILED: 06/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/764,381	KONDO ET AL.	
Examiner	Art Unit		
Seyed Azarian	2625		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 March 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-52 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1-5,7,9-16,18,20-26,28-31,33-36,38-41,43-46 and 48-51 is/are allowed.

6)  Claim(s) 6,17,27,32,37,42,47 and 52 is/are rejected.

7)  Claim(s) 8 and 19 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 19 January 2001 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **RESPONSE TO AMENDMENT**

1. Applicant's arguments, filed 3/22/2004, see page 19 through 21, with respect to the rejection of claims 1, 3, 5-7, 9-14, 16-18, 20-22, 24, 26-27, 29, 31-32, 34, 36-39, 41-44, 46-59 and 51-52, under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view Rutherford et al (U.S. 5,068,909) and Apostolopoulos et al (U.S. patent 5,850,294).

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 6, 17, 37 and 52, are rejected under 35 U.S.C. 102(b) as being anticipated by Rutherford et al (U.S. 5,068,909).

Regarding claim 6, Rutherford discloses an image processing method comprising, detecting noise in an image, removing noise from the image on the basis of the result of the said detecting noise (column 2, lines 21-45, high frequency noise is removed by processing the background image);

and spatially combining a part of the image before being subjected to noise removal in said removing noise and a part of the image from which noise has been removed so as to display the same on the screen, respectively, , to generate a composite image for display (Fig. 17e,

column 15, lines 20-52, shown a plurality of images for comparison and display, which can be selected by the user).

Regarding claim 37, Rutherford discloses an image processing method as defined in claim 6, wherein the predetermined region to be subjected to noise removal in said removing noise is an assembly of pixels in the vicinity of a boundary of each block (see claim 6, also column 2, lines 3-24).

Regarding claims 17 and 52, it recites similar limitation as claims 6 and 37, are similarly analyzed.

### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 27, 32, 42 and 47, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutherford et al (U.S. 5,068,909) in view of Apostolopoulos et al (U.S. patent 5,850,294).

Regarding claim 27 and 32, Rutherford fails to disclose, “removing noise from decoded image, where noise is one of blocking artifact and ringing artifact”. On the other hand Apostolopoulos in the same field of video camera teaches method and system for transmitting images including receiving encoded images, decoding those images and post-processing the

decoded images, which post-processing reduces visual artifact (or noise), such as “blocking artifacts and mosquito noise”, through separate detection, mapping and smoothing operation (column 4, lines 47-68).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made, to modify Rutherford invention according to the teaching of Apostolopoulos because it provides processing techniques to reduces artifacts for improving image quality and enhancements which can easily be implemented in an images device such as video camera.

Regarding claims 42 and 47, it recites similar limitation as claim 32, is similarly analyzed.

### **Allowable Subject Matter**

6. Claims 8 and 19, are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

### **Allowable claims**

7. Thus claims 1-5, 7, 9-16, 18, 20-26, 28-31, 33-36, 38-41, 43-46, 48-51, are allowable.

### Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (703) 306-5907. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

Status information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seyed Azarian

Patent Examiner

Group Art Unit 2625

June 7, 2004



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